

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH DEENE LINDELL,

Plaintiff,

v.

STATE OF WASHINGTON *et al.*,

Defendants.

Case No. C07-5025 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
DISMISSING COMPLAINT


The Magistrate Judge recommends that this civil rights complaint be dismissed without prejudice. As detailed by the Magistrate Judge, Plaintiff's claim for relief necessarily implies the abstention doctrine and failure to exhaust administrative remedies. Plaintiff has not filed an objection to the Report and Recommendation.

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** under the Younger abstention doctrine, and for failure to exhaust administrative remedies prior to filing. Younger v. Harris, 401 U.S. 37, 45- 46 (1971). Plaintiff may not challenge an ongoing criminal proceeding and has not exhausted his administrative remedies regarding other issues.

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2 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. J. Kelley
Arnold.

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4 DATED this 2nd day of April, 2007.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE
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